

FILED
Clerk
District Court

406 25 2005

For The Northern Mariana Islands

By _____

(Deputy Clerk)

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UNITED STATES DISTRICT COURT

FOR THE NORTHERN MARIANA ISLANDS

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**MICRO PACIFIC DEVELOPMENT
INC. d/b/a SAIPAN GRAND HOTEL,**

Defendant.

CIVIL ACTION NO. 04-0028

**DIXON DECLARATION IN SUPPORT
OF PLAINTIFF'S REPLY TO
DEFENDANT'S OPPOSITION TO
MOTION TO AMEND**

EXHIBITS A-B

**Date: September 1, 2005
Time: 8:30 a.m.**

I, LINDA ORDONIO-DIXON, declare as follows:

1. I am employed as an attorney by the plaintiff, Equal Employment Opportunity Commission, and in that capacity am responsible for the prosecution of this case.
2. I have personal knowledge of the matters stated herein.

**Dixon Decl. in Support of P's Reply to
D's Opposition to Motion to Amend
Complaint
04-0028**

- 1 3. Jesus Aldan, Defendant's Personnel Manager, and one of the managers who received and
2 investigated Mrs. Torres' November 2002 complaint of sexual harassment, was actually
3 hired by APHI as a Personnel Manager after the sale of the hotel and remained with APHI
4 until he himself made the decision to retire. Attached as Exhibit A is a true and correct copy
5 of relevant portions of Mr. Aldan's 30(b)(6) Deposition testimony in this regard.
6
7 4. The claimants' direct supervisors, Bonifacio Demeterio and Francisco Dela Cueva, (whom
8 among others Plaintiff alleges failed to report, address and correct the sexual harassment),
9 continue to work at Saipan Grand Hotel continue to work at the hotel in their supervisory
10 positions.
11
12 5. Arcely Sison has advised the undersigned that despite the sale of the hotel, she continues to
13 work for the new owners of Saipan Grand Hotel in continuation of a contract of work
14 initiated by Micro Pacific Development Inc. Ms. Sison states that other workers under
15 contract have likewise continued to perform the same work they did prior to the hotel's sale.
16
17 6. The claimants and Messers. Demeterio and Dela Cueva have testified that they have never
18 received any sort of sexual harassment training from Saipan Grand Hotel.
19
20 7. Plaintiff's recent research revealed that as recently as June of 2004, MPD has had
21 shareholders, for example Rita H. Sablan, whose nationality is unknown but is suspected to
22 be of the United States. Attached as Exhibit B is a document entitled "minutes of Annual
23 Meeting of Shareholders of Micro Pacific Development, Inc." which indicates Rita H. Sablan
24 is a shareholder.
25
26 //

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28 Dixon Decl. in Support of P's Reply to
D's Opposition to Motion to Amend
Complaint
04-0028

- 1 8. Plaintiff has made continuing requests for Defendant's asset information since March 3,
2 2005. The parties have engaged in numerous "meet and confer" communications regarding
3 these requests. Only by letter dated August 16, 2005, has Defendant indicated that it would
4 produce the relevant documents. However, Plaintiff has not yet received any documents
5 regarding Defendant's assets.
- 6
- 7 9. Defendant has not completed the depositions of the complainants, a vast majority of the
8 written discovery has yet to be produced by Defendant (some of the requested documents are
9 claimed to be in Japan), expert discovery has not yet even begun and Defendant itself is now
10 raising new defenses to the claims in this lawsuit.
- 11
- 12 10. Discovery in this case will not close until the end of November.
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16 Date: August 24, 2005

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LINDA ORDONIO-DIXON

Dixon Decl. in Support of P's Reply to
D's Opposition to Motion to Amend
Complaint
04-0028

3

JULY 25, 2005

SUSUPE, SAIPAN

TAPE 1 SIDE A

MS. DIXON: Okay. We're on the record for the deposition of Jess --- Jesus Aldan. And it's Janu it's July 25, 2005. The case that this is related to is Equal Employment Opportunity Commission versus Micro Pacific Development Incorporated doing business as Saipan Grand Hotel. The civil action number is 04-0028 and here today, we are being --- having as our videographer Marianas Multimedia Incorporated. My name is Linda Ordono Dixon, I'm here representing the plaintiff, EEOC. We have for defendant, Michael Dotts who is representing Micro Pacific Development. Also sitting in on the deposition is our charging party Juliata Torres, and we have as a translator Mrs. Florence Kirby. Also as a representative of the company, we have Masahiko Tsuchimoto.

MR. DOTTIS: Tsuchimoto.

MS. DIXON: Thank you. I would ask now the notary to swear in the interpreter and then the witness.

NOTARY: I'm MaryAnn Calvo, a duly appointed officer of the court for the purpose of administering oaths at the taking of depositions pursuant to Rule 28, Rule of Civil Procedure and to prepare transcripts for appellate and other purposes pursuant to Rule 36 of the CNMI Rules of Practice. Translator, do you swear to faithfully and correctly translate the Chamorro language into the English language and from the English language into the Chamorro language the questions of the attorneys and the answers of the witness so help you God?

MS. KIRBY: I do.

NOTARY: Okay, the translator's has been sworn and we'll go ahead with the deponent. Mr. --- Mr. Jess Aldan, do you solemnly swear that the testimony that you are about to give today will be the truth, the whole truth, and nothing but the truth? I'm sorry. Can you raise your right hand? Do you solemnly swear that the testimony that you are about to give today will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. ALDAN: I do.

NOTARY: The witness has been sworn, you may go ahead and proceed. Can I be excused from this deposition?

MS. DIXON: Yes, you may. Thank you. Good morning, Mr. Aldan. I'll introduce myself again to you. My

1 do all these training?
2 A: If they authorize from the big boss.
3 Q: Okay. If they authorized you?
4 A: Right.
5 Q: But they didn't because of the budget?
6 A: They're not materialized to ---
7 Q: Okay. It just didn't materialize, correct? So there
8 wasn't any training for sexual harassment during the
9 entire time that you were either assistant personnel
10 manager or personnel manager, correct?
11 A: Yes.
12 Q: Where are you working now, if anywhere?
13 A: Nowhere.
14 Q: You're just retired?
15 A: Yes.
16 Q: Okay. Congratulations.
17 A: I'm tired of working.
18 Q: I am, too, but I still got to work. Okay. And is it
19 correct to say you left after the hotel was sold,
20 right?
21 A: No, I just left there this year in March, so I
22 [INAUDIBLE].
23 Q: Okay. So you [INAUDIBLE] or you decided to leave on
24 your own?
25 A: Yes, I decided myself to go out.
26 Q: Okay. And was --- what was the reason that you decided
27 to ---
28 A: Well, I got a lot of things to day in my own private.
29 Q: Okay. Just for personal reason [INAUDIBLE].
30 A: No.
31 Q: It is a personal reason, right?
32 A: That's correct.
33 Q: [INAUDIBLE] have anything to [INAUDIBLE].
34 A: No.
35 Q: And what date was that that you left?
36 A: 25th.
37 Q: [INAUDIBLE].
38 A: Friday. March.
39 Q: Friday, March 25th. [INAUDIBLE]. So you were with
40 the company after it got sold, is that correct?
41 A: Yes.
42 Q: And you were actually hired by the company after it got
43 sold?
44 A: Yeah, I still working there.
45 Q: And did you keep the position as personnel manager?
46 A: Yes.
47 Q: Who took over the position of personnel manager when
48 you left?

MINUTES OF ANNUAL MEETING
of
SHAREHOLDERS
of
MICRO PACIFIC DEVELOPMENT, INC.

2004 JUN -8 PM 12:17

The Annual meeting of Micro Pacific Development, Inc. was held at the Sango at Saipan Grand Hotel at Saipan, CNMI on May 18, 2004 at 12:00 pm.

The following shareholders were present:

| | | |
|---------------------------|-----------|--------|
| Nagoya Railroad Co., Ltd. | 3,013,050 | shares |
| Shimizu Corporation | 154,700 | |
| Risa H. Sablan | 1,875 | |

The Chairman informed the Board made a quorum at this Annual Meeting of Shareholders, then called the meeting to order.

After the business report, the financial statement of the motion number 1 was approved.

As for the election of the directors, following persons were elected:

Tamio Nakamura
Setsuo Kawai
Misao Kimura
Koichi Yonehara

There being no further business, the meeting was adjourned.

The foregoing minutes are hereby approved.

Exhibit E